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| 27896 7590 01/18/2007 EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850 | | | EXAMINER WORJLOH, JALATEE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/931,187

Applicant(s)

MERSKY ET AL.

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/04/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant is advised that the Notice of Allowance mailed September 6, 2006 is vacated.

If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

2. Prosecution on the merits of this application is reopened on claims 1-59 are considered unpatentable for the reasons indicated below:

- Claims 1,22,30, and 50 are rejected under 35 U.S.C. 112, first paragraph.

3. Claims 1-59 have been examined.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 22, 30 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

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relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 22, 30 and 50 recite “real time” and “wherein said web site is publicly available to network users, thereby enabling performance of said selected transaction absent a prearranged agreement between said service provider and a provider associated with said web site” (see claims 1 and 30, lines 6, 14,17-19; claim 22, lines 5, 13, 16-18; claim 50, lines 5, 13, 17-19), which are not supported by the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,4, 8,9, 13 14,17-19, 50, 53,54, 56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2002/0069166 to Moreau et al.

Referring to claim 1, Moreau et al. disclose an agent processor (i.e. collection agent), disposed at said remote site and accessing said network, to receive a customer selection of a desired business transaction conducted over said network with a particular provider processing system and customer transaction information and to process information associated with a customer payment receivable in forms including at least one of cash and a check and manually

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tendered by a customer at said remote site to a service provider (i.e. merchant) to pay for said customer selected transaction (see paragraphs [0078] – [0081] – The customer select a product or service to be purchased from a merchant (see paragraph [0070]); if the customer selects to pay by cash, the order is transmitted to a facilitator (see paragraph [0071]). The facilitator processes the order then the customer prints out an order form and presents it to a collection agent (see paragraph [0078]). The agent processes the order (see paragraph [0079] and the customer pays the agent in cash or check (see paragraph [0081]).), a transaction processor (i.e. facilitator), in communication with said agent processor and said provider processing systems via said network, for receiving said customer selection and customer transaction information from said agent processor and facilitating performance of said customer selected transaction in response to said manual tender of said customer payment, (see paragraph [0036] – facilitator may serve as an overall coordinating function between merchants, consumers and collection agents), a communication module (i.e. second web-site) to access a network site of said particular provider processing system performing said customer selected transaction (see paragraph [0073] – the facilitator receives transaction details at the second-website then the facilitator may retrieved merchant information using a URL of the merchant's web-site), and to transmit an information request to said agent processor requesting a portion of said required information (see claim 5), and a transaction performance module (i.e. web application) to receive said customer transaction information from said agent processor in response to said information request (see paragraph [0080] – the web applications may allow the agent to mark the transaction as paid when the payment has been received from the customer) and to transmit said required information portion and payment information associated with said service provider to said particular provider

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processing system in order for said service provider to pay for said transaction in response to said manual tender of said customer payment indicated within said received customer transaction information (see paragraph [0103] & [0104]).

Referring to claim 4, Moreau et al. disclose said communication module (i.e. second web-site) includes a connection module to process said customer selection and determine a network location (i.e. URL) of said particular provider processing system (i.e. merchant) (see paragraph [0073]).

Referring to claim 8, Moreau et al. disclose a transaction storage module to store information relating to said customer selected transaction within a data storage unit (see paragraph [0036] -In order to provide coordinating function, facilitator preferably includes appropriate databases).

Referring to claim 9, Moreau et al. disclose a confirmation module (i.e. second web-site) to receive confirmation information from said particular provider (i.e. merchant) processing system in response to said particular provider processing system processing said customer selected transaction and to process said received confirmation information to produce confirmed transaction information for transference to said agent processor (see paragraph [0070] – [0073] - The customer selects product or service to be purchased form a merchant, the merchant then transmits the order information to a facilitator).

Referring to claims 13 and 56, Moreau et al. disclose a plurality of said processor disposed at a respective remote site to receive a customer selection of a desired transaction and customer transaction information and to process said customer payments manually tendered at said respective remote site, wherein said transaction processor is in communication with said

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agent processors and said provider processing systems via said network, and receives said customer selections and customer transaction information from said agent processors and facilitates performance of said customer selected transactions (see claim 1 above, paragraphs [0033] – the invention contemplates a network whereby a plurality of these entities participate and [0041] – facilitator may serve to coordinate transaction between a plurality merchants and collection agents).

Referring to claim 14, Moreau et al. disclose said agent processor (i.e. collection agent) includes a scanner for scanning a customer item said customer transaction information and transferring said customer transaction information relating to a corresponding customer payment from said customer item into said agent processor (see paragraph [0078]).

Referring to claims 17-19, 47 and 57, Moreau et al. disclose said agent processor is disposed at said remote site within a supporting structure; wherein the supporting structure include a kiosk (see paragraph [0037] – the collection agent may also be embodied as a collection kiosk; wherein said network includes the Internet (see paragraph [0026]).

Claims 50, 53 and 54 are rejected on the same rationale as claims 1, 9 and 11 respectively.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 2, 6, 7, 20, 21, 51, 52, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. as applied to claims 1 and 50 above, and further in view of US Publication No. 2001/0044787 to Schwartz et al.

Referring to claim 2, Moreau et al. disclose a transaction processor (see claim 1 above). Moreau et al. do not expressly disclose a verification module to request verification information from said agent processor and to initiate transaction processing in response to verifying said verification information received from said agent processor. Schwartz et al. disclose a verification module to request verification information from said agent processor and to initiate transaction processing in response to verifying said verification information received from said agent processor (see paragraph [0185]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include a verification module to request verification information from said agent processor and to initiate transaction processing in response to verifying said verification information received from said agent processor. One of ordinary skill in the art would have been motivated to do this because it provides security.

Referring to claim 6, Moreau et al. transaction processor (see claim 1). Moreau et al. do not expressly disclose an examination module to determine information required by said accessed network site to conduct said customer selected transaction and a request generation module to generate said information request in the form of an entry for display by said agent processor, wherein said entry screen includes fields to receive said required information portion. Schwartz et al. disclose a request generation module (i.e. 'back-end gateway') to generate said information request in the form of an entry screen for display by said agent processor, wherein

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said entry screen includes fields to receive said required information portion (see paragraphs [0172]-[0174]). As for an examination module, this is an inherent component; that is, before requesting required information it must first be determined. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include an examination module and a request generation module. One of ordinary skill in the art would have been motivated to do this because it ensures that all the necessary information is provided for verification.

Referring to claim 7, Moreau et al. a transaction performance module (see claim 1 above). Moreau et al. do not expressly disclose an extraction module to selectively retrieve said customer transaction information from said fields of said entry screen received from said agent processor, an insertion module to place said retrieved information in corresponding fields of said accessed network site, a payment module to place said payment information within corresponding fields of said accessed network site in order to tender payment for said customer selected transaction. Shwartz et al. disclose an insertion module to place said retrieved information in corresponding fields of said accessed network site (see paragraph [0173]), a payment module to place said payment information within corresponding fields of said accessed network site in order to tender payment for said customer selected transaction (see paragraphs [0177]-[180]). As for the extraction module, this is an inherent component; that is, before inserting the information in the fields it must have been retrieved. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include an extraction module, an insertion module and a payment

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module. One of ordinary skill in the art would have been motivated to do this because it provides convenience to the customer by automatically filling the form.

Referring to claims 20, 21, 58 and 59, Moreau et al. disclose customer selected transaction (see claim 1 above). Moreau et al. do not expressly disclose said customer selected transaction includes a payment of a bill or wherein said payment information includes credit card information of said service provider of said system. Shwartz et al. disclose said customer selected transaction includes a payment of a bill and wherein said payment information includes credit card information of a provider of said system (see paragraph [0144], lines 23-27). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include customer selected transaction includes a payment of a bill and wherein said payment information includes credit card information of a provider of said system. One of ordinary skill in the art would have been motivated to do this because it “improve the ease and safety of electronic commerce for consumers” (see Shwartz paragraph [0014]).

Claims 51 and 52 are rejected on the same rationale as claims 6 and 7 respectively.

10. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. and Shwartz et al. as applied to claim 2 above, and further in view of US Publication No. 2001/0037311 to McCoy et al.

Referring to claim 3, Moreau et al. disclose a transaction processor (see claim 1 above). Moreau et al. do not expressly disclose the transaction processor further includes a selection module to produce a list of transactions selectable by said customer for transference to said agent

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processor in response to said verification by said verification module. McCoy et al. disclose the transaction processor further includes a selection module to produce a list of transactions selectable by said customer for transference to said agent processor in response to said verification by said verification module (see paragraph [0050]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include the transaction processor further includes a selection module to produce a list of transactions selectable by said customer for transference to said agent processor in response to said verification by said verification module. One of ordinary skill in the art would have been motivated to do this because provides information necessary to confirm the consumer's purchase request.

11. Claims 5 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. and Shwartz et al. as applied to claim 1 above, and further in view of US Publication No. 2003/0167392 to Fransdonk.

Moreau et al. disclose a transaction processor (see claim 1 above). Moreau et al. do not expressly disclose the processor includes a site verification module to examine said accessed network site and verify that said accessed network site is associated with said customer selected transaction. Fransdonk discloses a site verification module (i.e. "secure device server") to examine said accessed network site and verify that said accessed network site is associated with said customer selected transaction (see paragraphs [0139] & [0140]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include a site verification module to examine said accessed network site and verify that said accessed network site is associated with said customer selected

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transaction. One of ordinary skill in the art would have been motivated to it ensures that provider selected by the customer is involved in the transaction processing.

12. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. as applied to claim 9 above.

Referring to claim 10, Moreau et al. disclose a data storage unit (see claim 9 above). Moreau et al. do not expressly disclose storing information relating to said confirmation information. However, this difference is only found in the nonfunctional descriptive material and is not functionally in the system. The process of storing information would be performed the same regardless of the type of data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *in re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data because the subjection interpretation of data does not patentably distinguish the claimed invention.

Referring to claim 11, Moreau et al. disclose an agent process (see claim 1 above). Moreau et al. do not expressly disclose a confirmation display module. However, a confirmation display module to process said confirmed transaction information received from said transaction processor in order to display a confirmation that said customer selected transaction has been process is an inherent component. The confirmation module of claim 9 receives confirmation information; thus, once the information is received it must be displayed.

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13. Claims 12 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. as applied to claims 11 and 54 above, and further in view of US Publication No. 2003/0126067 to Seifert et al.

Moreau et al. disclose an agent processor (see claim 1 above). Moreau et al. do not expressly disclose a receipt module to process said confirmed transaction information received from said transaction processor in order to produce a transaction receipt and a printing device to generate said transaction receipt for said customer. Seifert et al. a receipt module to process said confirmed transaction information received from said transaction processor in order to produce a transaction receipt and a printing device to generate said transaction receipt for said customer (see paragraph [0042]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include a receipt module to process said confirmed transaction information received from said transaction processor in order to produce a transaction receipt and a printing device to generate said transaction receipt for said customer. One of ordinary skill in the art would have been motivated to do this because it provides the customer with a proof of purchase in an event of a dispute.

Claim 55 is rejected on the same rationale as claim 12 above.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. and Shwartz et al. as applied to claim 1 above, and further in view of US Publication No. 2004/0143600 to Musgrove et al.

Moreau et al. disclose a customer visiting a remote site to conduct a transaction (see claim 1 above). Moreau et al. do not expressly disclose a repeat customer to conduct a second transaction and tender a second payment, and said agent processor further includes a data module

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to retrieve customer transaction information associated with said repeat customer and stored in response to a prior transaction to reduce entry of said customer transaction and facilitate processing of said second transaction. Musgrove et al. disclose a repeat customer to conduct a second transaction and tender a second payment, and said agent processor further includes a data module to retrieve customer transaction information associated with said repeat customer and stored in response to a prior transaction to reduce entry of said customer transaction and facilitate processing of said second transaction (see paragraph [0034]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include a repeat customer to conduct a second transaction and tender a second payment, and said agent processor further includes a data module to retrieve customer transaction information associated with said repeat customer and stored in response to a prior transaction to reduce entry of said customer transaction and facilitate processing of said second transaction. One of ordinary skill in the art would have been motivated to do this because it provides fast transaction processing.

15. Claims 16 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. and Shwartz et al. as applied to claims 1 and 30, and further in view of US Patent No. 5983204 to Debe.

Referring to claims 16 and 45, Moreau et al. disclose an agent processor (see claim 1 above). Moreau et al. do not expressly disclose said agent processor includes a voice responsive device to receive voice signals and facilitate processing of said customer selected transaction and payment by said agent processor in response to said voice signals. Debe discloses agent processor includes a voice responsive device (see col. 4, lines 20-25). At the time the invention

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was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Moreau et al. to include agent processor includes a voice responsive device. One of ordinary skill in the art would have been motivated to do this because it provides alternative inputs methods.

16. Claims 22-31, 35-40, 42-44, and 46-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. in view of Schwartz et al.

Referring to claim 22, Moreau et al. disclose a transaction processor (i.e. facilitator), in communication with said agent processor and said provider processing systems via said network, for receiving said customer selection and customer transaction information from said agent processor and facilitating performance of said customer selected transaction in response to said manual tender of said customer payment, (see paragraph [0036] – facilitator may serve as an overall coordinating function between merchants, consumers and collection agents), a communication module (i.e. second web-site) to access a network site of said particular provider processing system performing said customer selected transaction (see paragraph [0073] – the facilitator receives transaction details at the second-website then the facilitator may retrieve merchant information using a URL of the merchant's web-site), and to transmit an information request to said agent processor requesting a portion of said required information (see claim 5), and a transaction performance module (i.e. web application) to receive said customer transaction information from said agent processor in response to said information request (see paragraph [0080] – the web applications may allow the agent to mark the transaction as paid when the payment has been received from the customer) and to transmit said required information portion and payment information associated with said service provider to said particular provider

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processing system in order for said service provider to pay for said transaction in response to said manual tender of said customer payment indicated within said received customer transaction information (see paragraph [0103] & [0104]). Moreau et al. do not expressly disclose a transaction information module to examine said accessed network site to determine information required by said accessed network site to conduct said customer selected transaction and to transmit request to said agent processor requesting a portion of said required information.

Shwartz et al. disclose a transaction information module to transmit an information request to said agent processor requesting a portion of said required information (see paragraph [0182]) and a transaction performance module (i.e. "back end gateway") to receive said customer transaction information from said agent processor in response to said information request (see paragraphs [0183] and [0184]) and to transmit said required information portion and payment information associated with a third party to said particular provider (i.e. "electronic commerce site") processing system in order to conduct said transaction (see paragraph [0190]). As for a transaction information module to examine said accessed network site to determine information required by said accessed network site to conduct said customer selected transaction, this is an inherent step. That is, in order to transmit a request to said agent processor, the requesting information must first be decided. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include a transaction processor facilitating performance of said customer selected transaction in response to said manual tender of said customer payment, a transaction information module to transmit an information request to said agent processor requesting a portion of said required information or a transaction performance module to receive said customer transaction

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information from said agent processor in response to said information request and to transmit said required information portion and payment information associated with a third party to said particular provider processing system in order to conduct said transaction in response to said manual tender of said customer payment indicated within said received customer transaction information. One of ordinary skill in the art would have been motivated to do this because it “improve the ease and safety of electronic commerce for consumers” (see Shwartz paragraph [0014]).

Referring to claim 23, Moreau et al. transaction processor (see claims 22 above). Moreau et al. do not expressly disclose an examination module to determine information required by said accessed network site to conduct said customer selected transaction and a request generation module to generate said information request in the form of an entry for display by said agent processor, wherein said entry screen includes fields to receive said required information portion. Shwartz et al. disclose a request generation module (i.e. ‘back-end gateway’) to generate said information request in the form of an entry screen for display by said agent processor, wherein said entry screen includes fields to receive said required information portion (see paragraphs [0172]-[0174]). As for an examination module, this is an inherent component; that is, before requesting required information it must first be determined. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include an examination module and a request generation module. One of ordinary skill in the art would have been motivated to do this because it ensures that all the necessary information is provided for verification.

Referring to claim 24, Moreau et al. a transaction performance module (see claim 22 above). Moreau et al. do not expressly disclose an extraction module to selectively retrieve said customer transaction information from said fields of said entry screen received from said agent processor, an insertion module to place said retrieved information in corresponding fields of said accessed network site, a payment module to place said payment information within corresponding fields of said accessed network site in order to tender payment for said customer selected transaction. Shwartz et al. disclose an insertion module to place said retrieved information in corresponding fields of said accessed network site (see paragraph [0173]), a payment module to place said payment information within corresponding fields of said accessed network site in order to tender payment for said customer selected transaction (see paragraphs [0177]-[180]). As for the extraction module, this is an inherent component; that is, before inserting the information in the fields it must have been retrieved. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include an extraction module, an insertion module and a payment module. One of ordinary skill in the art would have been motivated to do this because it provides convenience to the customer by automatically filling the form.

Referring to claim 25, Moreau et al. disclose a confirmation module (i.e. second website) to receive confirmation information from said particular provider (i.e. merchant) processing system in response to said particular provider processing system processing said customer selected transaction and to process said received confirmation information to produce confirmed transaction information for transference to said agent processor (see paragraph [0070] – [0073] -

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The customer selects product or service to be purchased from a merchant, the merchant then transmits the order information to a facilitator).

Referring to claim 26, Moreau et al. disclose a plurality of said processor disposed at a respective remote site to receive a customer selection of a desired transaction and customer transaction information and to process said customer payments manually tendered at said respective remote site, wherein said transaction processor is in communication with said agent processors and said provider processing systems via said network, and receives said customer selections and customer transaction information from said agent processors and facilitates performance of said customer selected transactions (see claim 1 above, paragraphs [0033] – the invention contemplates a network whereby a plurality of these entities participate and [0041] – facilitator may serve to coordinate transaction between a plurality merchants and collection agents).

Referring to claims 28 and 29, Moreau et al. disclose customer selected transaction (see claim 1 above). Moreau et al. do not expressly disclose said customer selected transaction includes a payment of a bill or wherein said payment information includes credit card information of said service provider of said system. Schwartz et al. disclose said customer selected transaction includes a payment of a bill and wherein said payment information includes credit card information of a provider of said system (see paragraph [0144], lines 23-27). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include customer selected transaction includes a payment of a bill and wherein said payment information includes credit card information of a provider of said system. One of ordinary skill in the art would have been motivated to do this

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because it “improve the ease and safety of electronic commerce for consumers” (see Shwartz paragraph [0014]).

Referring to claims 27, Moreau et al. disclose said agent processor is disposed at said remote site within a supporting structure; wherein the supporting structure include a kiosk (see paragraph [0037] – the collection agent may also be embodied as a collection kiosk; wherein said network includes the Internet (see paragraph [0026]).

Claim 30 is rejected on the same rationale as claim 22 above.

Referring to claim 31, Moreau disclose an agent processor (see claim 30 above). Moreau et al. do not expressly disclose requesting verification information from said agent processor and to initiate transaction processing in response to verifying said verification information received from said agent processor. Shwartz et al. disclose requesting verification information from said agent processor and to initiate transaction processing in response to verifying said verification information received from said agent processor (see paragraph [0185]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include the step of requesting verification information from said agent processor and to initiate transaction processing in response to verifying said verification information received from said agent processor. One of ordinary skill in the art would have been motivated to do this because it provides security.

Referring to claim 33, Moreau et al. processing said customer selection and determine a network location (i.e. URL) of said particular provider processing system (see paragraph [0073]).

Referring to claim 35, Moreau et al. disclose an agent processor (see claim 30). Moreau et al. do not expressly disclose determining information required by said accessed network site to conduct said customer selected transaction and generating said information request in the form of an entry for display by said agent processor, wherein said entry screen includes fields to receive said required information portion. Shwartz et al. disclose generating said information request in the form of an entry screen for display by said agent processor, wherein said entry screen includes fields to receive said required information portion (see paragraphs [0172]-[0174]). As for the step of determining information required by said network site, this is an inherent step; that is, before requesting required information it must first be determined. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Moreau et al. the step of determining information required and generating said information requested. One of ordinary skill in the art would have been motivated to do this because it ensures that all the necessary information is provided for verification.

Referring to claim 36, Moreau et al. an agent processor (see claim 35 above). Moreau et al. do not expressly disclose selectively retrieving said customer transaction information from said fields of said entry screen received from said agent processor, placing said retrieved information in corresponding fields of said accessed network site, and placing said payment information within corresponding fields of said accessed network site in order to tender payment for said customer selected transaction. Shwartz et al. disclose placing said retrieved information in corresponding fields of said accessed network site (see paragraph [0173]), placing said payment information within corresponding fields of said accessed network site in order to tender

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payment for said customer selected transaction (see paragraphs [0177]-[180]). As for the retrieving step, this is an inherent process; that is, before placing the information in the fields it must have been retrieved. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include the steps of retrieving customer transaction information, placing said retrieved information in fields and placing payment information in fields. One of ordinary skill in the art would have been motivated to do this because it provides convenience to the customer by automatically filling the form.

Referring to claim 37, Moreau et al. disclose storing information relating to said customer selected transaction within a data storage unit (see paragraph [0036] -In order to provide coordinating function, facilitator preferably includes appropriate databases).

Referring to claim 38, Moreau et al. disclose an agent processor (see claim 1 above). Moreau et al. do not expressly disclose receiving confirmation information from said particular provider processing system. Shwartz et al. disclose receiving confirmation information from said particular provider processing system in response to said particular provider processing system processing said customer selected transaction and to process said received confirmation information to produce confirmed transaction information for transference to said agent processor (see paragraph [0196]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Moreau et al. to include the step of receiving confirmation information from said particular provider processing system in response to said particular system processing said customer selected transaction and processing said received confirmation to produce confirmed transaction information for

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transference to said agent processor. One of ordinary skill in the art would have been motivated to do this because it ensures that the provider agrees with the transaction.

Referring to claim 39, Moreau et al. disclose storing data in data storage unit (see col. 6, lines 55-58). Moreau et al. do not expressly disclose storing information relating to said confirmation information. However, this difference is only found in the nonfunctional descriptive material and is not functionally in the step recited. The step of receiving confirmation information would be performed the same regardless of the type of data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *in re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data because the subsection interpretation of data does not patentably distinguish the claimed invention.

Referring to claim 40, Moreau et al. disclose an agent processor (see claim 38 above). Moreau et al. do not expressly disclose processing said confirmed transaction information received from said transaction processor, via said agent processor, in order to display a confirmation that said customer selected transaction has been processed. However, the step of processing said confirmed transaction information received from said transaction processor in order to display a confirmation that said customer selected transaction has been process is an inherent process. Claim 38 teaches the process of receiving confirmation information; thus, once the information is received it must be displayed.

Referring to claims 42, Moreau et al. disclose a plurality of said processor disposed at a respective remote site to receive a customer selection of a desired transaction and customer

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transaction information and to process said customer payments manually tendered at said respective remote site, wherein said transaction processor is in communication with said agent processors and said provider processing systems via said network, and receives said customer selections and customer transaction information from said agent processors and facilitates performance of said customer selected transactions (see claim 1 above, paragraphs [0033] – the invention contemplates a network whereby a plurality of these entities participate and [0041] – facilitator may serve to coordinate transaction between a plurality merchants and collection agents).

Referring to claim 43 , Moreau et al. disclose said agent processor (i.e. collection agent) includes a scanner for scanning a customer item said customer transaction information and transferring said customer transaction information relating to a corresponding customer payment from said customer item into said agent processor (see paragraph [0078]).

Claim 44 is rejected on the same rationale as claim 15 above.

Referring to claims 46 and 47, Moreau et al. disclose said agent processor is disposed at said remote site within a supporting structure; wherein the supporting structure include a kiosk (see paragraph [0037] – the collection agent may also be embodied as a collection kiosk; wherein said network includes the Internet (see paragraph [0026])).

Referring to claims 48, Moreau et al. disclose customer selected transaction (see claim 1 above). Moreau et al. do not expressly disclose said customer selected transaction includes a payment of a bill or wherein said payment information includes credit card information of said service provider of said system. Schwartz et al. disclose said customer selected transaction

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includes a payment of a bill and wherein said payment information includes credit card information of a provider of said system (see paragraph [0144], lines 23-27). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Moreau et al. to include customer selected transaction includes a payment of a bill and wherein said payment information includes credit card information of a provider of said system. One of ordinary skill in the art would have been motivated to do this because it “improve the ease and safety of electronic commerce for consumers” (see Shwartz paragraph [0014]).

Referring to claim 49, Moreau et al. disclose receiving said customer transaction information from said agent processor in response to said information request (see claim 30 above) and transmitting said required information portion and payment information including credit card information of said service provider to said particular provider processing system in order to conduct said transaction (see paragraph [0056] – the transaction may include a Automatic Clearing House whereby the collection agent transmits or gives authorization to the facilitator to withdraw the amount of payment from the collection agent’s withdrawal account and deposit it into the merchant’s account, in order to deposit it into the merchant’s account his credit card or banking information must have been provided.).

17. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al., and Shwartz et al. as applied to claim 30 above, and further in view of McCoy et al.

Referring to claim 32, Moreau et al. disclose an agent processor (see claim 1 above). Moreau et al. do not expressly disclose producing a list of transactions selectable by said

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customer for transference to said agent processor in response to said verification. McCoy et al. disclose producing a list of transactions selectable by said customer for transference to said agent processor in response to said verification (see paragraph [0050]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Moreau et al. to include the step of producing a list of transactions selectable by said customer for transference to said agent processor in response to said verification by said verification module. One of ordinary skill in the art would have been motivated to do this because provides information necessary to confirm the consumer's purchase request.

18. Claim 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau et al. and Shwartz et al. applied to claim 40 above, and further in view of US Publication No. 2003/0126067 to Seifert et al.

Referring to claim 41, Moreau et al. disclose an agent processor (see claim 1 above). Moreau et al. do not expressly disclose processing said confirmed transaction information received from said transaction processor in order to produce a transaction receipt and generating said transaction receipt for said customer. Seifert et al. processing said confirmed transaction information received from said transaction processor in order to produce a transaction receipt and generating said transaction receipt for said customer (see paragraph [0042]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Moreau et al. to include the steps of processing said confirmed transaction information received from said transaction processor in order to produce a transaction receipt and generating said transaction receipt for said customer. One of ordinary skill in the art

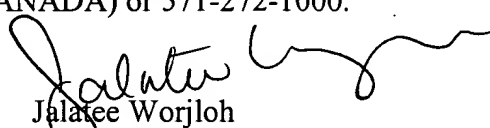
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would have been motivated to do this because it provides the customer with a proof of purchase in an event of a dispute.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jalatee Worjloh
Primary Examiner
Art Unit 3621

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